



## Lamoine Board of Selectmen

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### Minutes of September 6, 2012

Chair Jo Cooper called the meeting to order at 7:00 PM

Present were: Selectmen Richard Fennelly Jr., S. Josephine Cooper, Cynthia Donaldson, Gary McFarland; Administrative Assistant Stu Marckoon, Code Enforcement Officer Michael Jordan, Budget Committee members Kathleen DeFusco, Merle Bragdon, Robin Veysey; Planning Board Chair John Holt and Marion McDevitt.

**Agenda Review** – Stu suggested moving up the appointment of a Deputy Code Enforcement Officer on the agenda as the Planning Board chair was present to discuss that. He said he had a couple of other items to discuss at the end as well.

**Minutes of August 2, 2012** – Jo moved to approve the minutes as written. Gary 2<sup>nd</sup>.  
**Vote in favor was 4-0.**

**Expenditure Warrant 4** – There was no discussion regarding the warrant signed between meetings for \$397,309.62.

**Expenditure Warrant 5** – Stu noted that of the \$714,018.79 on the warrant, \$575,000 was a transfer into the investment account and \$108,000 was for county taxes. Selectmen signed the warrant.

**Budget Report** – Cynthia asked about the Cable TV account, noting that a sizable sum is accumulating and some thought should be given to what else that fund could be used for. She said the CTV system in the town hall is very good, and maybe there could be more talk about expanding cable internet access. Richard noted the Harbor Fund is also building up.

**Checking Account Reconciliation** – Selectmen signed the monthly statement expressing satisfaction with examination of the checking account reconciliation which had been e-mailed prior to the meeting.

**Audit** – Stu reported the auditors were at the town hall on August 23<sup>rd</sup> and there were no issues reported to him. He said he expects the written audit will be produced in the next few weeks.

**Budget Committee Meeting** – The first order of business was to appoint an alternate member of the committee. Jo moved to appoint Marion McDevitt. Richard 2<sup>nd</sup>. **Vote in Favor was 4-0.** (Mrs. McDevitt said she would sign the oath of office and participated in the meeting).

Stu called for nominations for a chair for the 2012/13 season. Merle Bragdon nominated Robin Veysey. Kathy DeFusco 2<sup>nd</sup>. **Vote in favor was 3-0 (Veysey abstained).**

Stu turned the meeting over to Robin, who called for nominations for vice-chair. Kathy nominated Merle, Robin 2<sup>nd</sup>. **Vote in favor was 3-0 (Bragdon abstained)**

Robin moved to name Stu as the committee secretary. Kathy 2<sup>nd</sup>. Stu said he was willing to serve in that capacity. **Vote in favor was 4-0.**

Schedule – Merle suggested that no meeting be held in October as that tended to not be very productive. Kathy 2<sup>nd</sup> **Vote in favor was 4-0.** After discussion, the committee determined the 1<sup>st</sup> meeting would be Monday, November 12, 2012 at 6:30 PM and the rest of the schedule would be set then.

Special Town Meeting Recommendations – Stu read the articles for the special town meeting to be held September 20, 2012. Merle said the Committee would have approved the corrected clerk's salary and he had no problem with any of the other items on the warrant. He said he recalled there was some discussion last year about the fire station boiler which has been an ongoing problem. Robin said she didn't have any issues with the articles, and moved to recommend approval on all of them. Merle 2<sup>nd</sup>. **Vote in favor was 4-0.**

Budgeting Priorities – Jo asked about roads and whether the spring paving was working well with cash flow. Stu said it was. Richard said he thought Buttermilk Road could use some tree trimming and a brief discussion followed. Jo asked about the next fire truck purchase. Stu reported the fire chief had obtained a price on a chassis and would propose that for the next budget because new emission standards would see a significant price increase. The Selectmen briefly reviewed the capital improvements schedule.

County Budget Committee – Stu reported the county budget caucus is next Monday in Trenton and encouraged folks to attend.

**Cable TV** – Stu reported that the operations manager position remains vacant. He said a couple of the CTV committee members expressed interest in the position but could not commit the time needed. A brief discussion followed, and Stu said he would contact the Hancock County Technical Center to see if someone might be interested in a paid position. He said that would be brought to the next meeting.

Purchases – Stu reported the committee recommended the purchase of a RAID hard drive, a server for the website/e-mail, a second high quality camera, and a new computer for the CTV room. He said the estimated cost for all the proposed gear was about \$3,000. Cynthia asked if this would spend down the CTV account. Stu said it wouldn't even come close. Jo moved to authorize the CTV Committee to make the recommended purchases. Gary 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Appointments** – Jo moved to appoint Charles Weber as an alternate member of the Planning Board. Richard 2<sup>nd</sup>. **Vote in favor was 4-0.**

Jo moved to appoint Constance Bender to the Board of Appeals. Richard 2<sup>nd</sup>. **Vote in favor was 4-0.**

Stu reported there was no interest in the alternate Appeals Board position at this time.

**Deputy Code Enforcement Officer** – CEO Michael Jordan said he is recommending that Steve Salsbury be appointed to this position. Jo said Mr. Salsbury was willing to serve in that capacity for \$25/hour which is the going rate.

Planning Board chair John Holt said he wants to make clear that his opposition to the appointment has nothing to do personally with Mr. Salsbury. He said Mr. Salsbury often comes before the Planning Board because he's an agent for three major gravel operators in town as well as a number of subdivision developers. He said one of the gravel firms has taken the town to court regarding the constitutionality of the gravel ordinance. He said to appoint someone who is in an adversarial position to the town is unwise. He said he asked for a job description for the Deputy CEO and understands it is under review but the Deputy would have the functions of the CEO when the CEO is unable to function.

Richard said presently the Deputy CEO is tasked with inspecting gravel pits. Mr. Jordan said that used to be the case, but Mr. Salsbury wants nothing to do with gravel pits in the Deputy CEO capacity. Mr. Holt said even if the duties were limited, Mr. Salsbury would be eligible to perform them. He said it is not politically wise to have someone who seeks permits to be in a position of administering ordinances. He said he understands Mr. Jordan's concern as Habitat for Humanity (which employs Mr. Jordan) will seek a permit soon. He said that's valid, and that if Mr. Salsbury's functions were very specific it might not be as problematic. Mr. Holt said he is not saying that Mr. Salsbury is not trained or competent.

Cynthia said she would vote against the proposed appointment to avoid the appearance of a conflict of interest. She said it would be wise to do something different. She said she was not comfortable with re-defining the job description in terms of who might hold the position. Mr. Jordan said he told the Board he intended to take care of the gravel pit inspections. He said the only reason he is seeking a deputy is so that he could be allowed to build houses in Lamoine. Cynthia asked Mr. Jordan if he thought there was any conflict with inspecting gravel pits where his family owns one of them. Mr. Jordan said he has no interest or benefit from that pit.

Jo said there is no question that Mr. Salsbury is qualified for the job, but the appointment could be perceived as questionable. Mr. Jordan said Mr. Salsbury is fully certified and knows the town ordinances. He said Mr. Salsbury's services would be utilized infrequently and he would not be doing any things that would constitute a conflict. Mr. Holt said the job description for that position needs to be very precisely defined and needs to make it clear that when there is any conflict that he can't have anything to do with anyone who is a client or with any gravel pits. Mr. Jordan said he would agree with that.

Richard asked if the Deputy CEO contributes to the formation of ordinances. Mr. Holt said the CEO's job description requires the CEO to attend Planning Board meetings but the CEO has no vote on the Planning Board. He said proposals for ordinances are up to the voting members of the Planning Board. Mr. Jordan asked why there would be a conflict with Mr. Salsbury's input, where Mr. Salsbury has knowledge of how gravel pits

work. Richard said he concern would be the weight of any vote, and the Deputy CEO has no vote. He said the concern was that the Deputy CEO not have the means to influence amendments to suit his personal business needs. Mr. Jordan said the CEO and Deputy have no vote on the Planning Board.

Mr. Holt said it's a small town and it's a matter of degree. Jo said there doesn't seem to be an urgency and the job has not been advertised. She said she would like to have the matter tabled and to look at job description changes. Mr. Jordan said he expected there would be an application from Habitat for Humanity in a couple of weeks. Stu said he would try to develop a limited job description for the next meeting.

Jo moved to table the matter until the next meeting. Gary 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Front Entrance** – Stu reported no bids were received for the front door project. Mr. Jordan said he did not bid because he is currently not carrying general liability insurance which was required in the specification. He said he's a town employee and it would take about 3-hours to do the work. Stu said he would recommend that the task be assigned to Mr. Jordan as a town employee. Jo so moved, Gary 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Code Enforcement Officer's Contract** – Stu said he'd prepared a contract based on the negotiation with Mr. Jordan at the previous meeting. He said the job description is part of the contract, but there is a provision in the contract that the job description is subject to revision. There was a discussion about monitoring the number of hours. Stu said Mr. Jordan will turn in his hours monthly and has done so for August, when he worked 39.5 hours, which included a 12-hour class in Richmond.

Jo moved to sign the contract, Richard 2<sup>nd</sup>. **Vote in favor was 4-0. Selectmen signed the contract.**

**Gravel Ordinance Vote** – Stu reported the Planning Board indicated that a revised gravel ordinance would not be ready to put before the town in November.

**Harbor Ordinance Violation** – Stu reported the violation, placing a lobster car in the mooring field without a local or Army Corps of Engineers permit, has been resolved.

**RSU 24 Withdrawal Process** – Gary reported that the withdrawal committee has been meeting regularly and the biggest item has been the withdrawal agreement. He said the committee has met at the Lamoine Town Hall and Ellsworth City Hall and there are many similarities with Hancock. He said the committee has 90-days to accomplish the task, and the withdrawal agreement has grown with every revision every time the committee has met.

Richard asked if the revisions are being prepared by the committee or the attorney. Gary said the revisions are done in consultation with the attorney. He said the meetings with RSU 24 have been heated and the RSU has disagreed with most of the proposals at first, but now there are just 5-areas that are not agreed to. He said the RSU refused to meet with the committee this week and they hope to get negotiations started up again

next week. He said it has been very difficult getting a response from the RSU on a number of items.

Jo asked about the City of Ellsworth and whether they are part of the process. Gary said they are, and he hopes that all three withdrawing communities meet on the same night has made for some very long meetings. He said the attorney for Lamoine and Hancock and the RSU attorney have been talking with each other and with the Board of Education. Richard asked if all three towns have the same attorney (Ed Bearor). Gary said they do and the communities are sharing the cost and hope to have similar agreements. He said the withdrawal committees found out that a vote will not happen for the November election. He said he's afraid if an agreement is not completed within the statutory 90-day limit the withdrawal effort would have to stop and wait for another two year vote. He said they might ask the education commissioner for an extension.

Richard asked about whether it was legal for the RSU to cause delays. Gary said the withdrawal committee is trying to find an answer to that. He said the RSU would not negotiate without an attorney present.

Discussions followed about the history of the debate leading up to the withdrawal vote. Gary said the withdrawal committee is not allowed to provide a range of options. Richard asked if Gary could verify that Ellsworth would guarantee acceptance of high school students from Lamoine. Gary said some wording would need to change for that guarantee, and a discussion followed on the high school options for Lamoine. Discussion then followed regarding the general politics of the withdrawal process, and teacher / administrator contracts.

Stu said he had a concern that there has been no notice posted about when the withdrawal committee meetings are taking place, nor have any minutes been provided. Gary said he would pass that along.

**MUBEC/BLUO** – Mr. Jordan said there was nothing to report.

**Resignation of Selectman Brann** – Jo moved to accept Mr. Brann's resignation as a Selectman with regret. Richard 2<sup>nd</sup>. **Vote in favor was 4-0.** Selectmen signed a letter to Mr. Brann thanking him for his service.

The board discussed the replacement options. Jo moved to leave the position vacant until the next annual town meeting. It was noted that Mr. Brann's term would expire at the next annual town meeting anyway. Richard 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Voting delegate – MMA Annual Meeting** – Jo moved to appoint Stu as Lamoine's voting delegate at the meeting. Richard 2<sup>nd</sup>. **Vote in favor was 4-0.** Stu noted that it's unlikely that he would be attending, but would represent the town if he decided to.

**Amendment to Loan/Allonge to Bond** - Jo moved to approve an amendment to the loan from the Maine Municipal Bond Bank for the school renovation project. Gary 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Letter of Support – HCPC** – Jo moved to support a grant effort from the Hancock County Planning Commission in regard to Brownfield's grants. Gary 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Temporary Clerk Replacement** – Stu reported that the person the Selectmen agreed to ask to temporarily fill in for the Town Clerk/Tax Collector while she's on maternity leave did not wish to do the job. He asked for guidance on a temporary replacement. After some discussion it was decided to ask the city manager of Ellsworth if anyone at Ellsworth City Hall might be interested, and possibly to advertise the job either in the newspaper or on line. Stu said he would contact city manager Michelle Beal.

**Required Elections Training** – Stu reported the Board received a letter earlier today from the Deputy Secretary of State regarding mandatory election training for Clerks/Registrars. He said the list of training included a session in Presque Isle that had already passed, one in Augusta that was full (which clerk Jennifer Kovacs attempted to sign up for), and one in Carrabasset Valley later this month. He said he'd prepared a letter to the Deputy Secretary of State in response and at the urging of those in attendance read it aloud. Jo signed the letter.

The next meeting of the board will be on September 20, 2012 following the special town meeting. Jo read the list of dates of the 1<sup>st</sup> and 3<sup>rd</sup> Thursdays of the month for the meetings through December. Gary said he might miss the December 20<sup>th</sup> meeting.

There being no further business, the meeting adjourned at 8:40 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen